

REMARKS

Reconsideration and allowance of the captioned application in view of the foregoing amendments and the remarks that follow is respectfully requested. These comments are intended to advance the case to issue without delay.

The claims in the application were 1-22. By this amendment, claim 1 has been cancelled and claim 23 has been added. Accordingly, the claims now in the application are claims 2-23.

Claim 2 has been amended to incorporate the elements of cancelled claim 1. Claims 3, 4, 6, 7, 9, 11-13, 15, and 17-19, which previously depended on claim 1, have now been amended to depend on claim 2. Amended claim 14 and newly added claim 23 are directed to preferred embodiments. Support for these amendments can be found for example on page 9, lines 25-27 and page 8, lines 27-30.

Claims 1-4, 7, 9, 13 and 18-22 have been rejected under 35 U.S.C. §102(b) as being anticipated by Motley (US 5,516,511). This rejection is respectfully traversed.

To further distinguish the present claims from the prior art, the present claims have been amended making claim 2 an independent claim upon which claims 3, 4, 6, 7, 9, 11-13, 15, and 17-19 and 23 depend. Claim 2 specifically excludes gel stick compositions gelled by 12-hydroxystearic acid, as well as other gelling agents. Since all the compositions of Motley are gel sticks gelled by the indicated gelling agents, this claim and those that depend upon it are novel and are not anticipated by Motley.

Similarly, claim 4 of the present application is novel and not anticipated by Motley as it is limited to liquid and soft solid compositions. The disclosure of Motley clearly relates to gel sticks. This can be deduced from the extended description of the disadvantages of gel stick compositions at column 1, lines 31-35 followed by the means

for overcoming these disadvantages at column 2, lines 14-18 and the definition of "stick" given at column 2, lines 25-30. Motley does not disclose liquid and soft solid compositions.

Furthermore, the present invention is directed to anti-microbial products comprising transition metal chelator in an amount sufficient to enhance the deodorancy performance of the antiperspirant active also present. The transition metal chelator provides an enhanced deodorancy benefit above that which is typically provided by an antiperspirant active.

Motley does not provide any teaching of using a transition metal chelator with such powerful deodorancy to enhance the deodorancy performance of an antiperspirant active which is present. Indeed, the chelator in Motley is used merely to "prevent reaction between the active and the primary gellant" (col. 11, Ins. 1-4). The benefit gained by using chelators in the gel compositions of Motley merely relates to processing. Accordingly, Motley does not teach or suggest to one of skill in the art to use transition metal chelator to enhance the deodorancy performance of an antiperspirant active.

Claims 1-15, and 17-22 have been rejected under 35 USC §103(a) as being unpatentable over Motley and Kraskin (US 4,356,190) or Wusirika (US 4,778,671). This rejection is respectfully traversed.

The teachings of Motley is distinguished do not make the present invention obvious as discussed above.

Kraskin is concerned solely with deodorant compositions and does not disclose compositions comprising antiperspirant salts. While Kraskin discloses that a deodorancy benefit may be achieved from a variety of chelators, there is no suggestion that such materials can be used to enhance the deodorancy performance of

antiperspirant actives. The finding that the deodorancy of antiperspirant salts can be enhanced in accordance with the present invention is surprising since antiperspirant actives are themselves very powerful deodorants. In consideration of the already very powerful deodorancy of antiperspirant salts, it would not have been obvious to combine the chelators of Kraskin with the antiperspirant actives of Motley, as one would not have expected to gain any additional deodorancy benefit.

Wusirika is not relevant prior art to the present application as it is concerned with an entirely different technical field. This patent, assigned to Corning Glass Works, describes a processing method for metal oxides. The benefits described for the metal oxides produced relate to the ceramic industry (see column 1, lines 18-32). It is asserted that the person skilled in the art of formulating deodorant and antiperspirant compositions would not look to this reference for teaching related to deodorancy performance.

Furthermore, Wusirika does not teach antiperspirant compositions comprising DTPA or any other chelator. Wusirika merely discloses a method of treatment of metal oxides with chelating agents. There is no teaching for the antiperspirant composition formulator to include a chelator in his/her composition. Indeed, there is an indication that the chelator used in the treatment of the metal oxide is removed from said metal oxide, following its treatment, in many applications. This is clear from column 2, lines 3-5, where it is stated that "a further object of the invention is to provide a method for producing high purity metal oxide particles" and examples 1 to 12, where the metal oxide is washed with distilled water (column 5, lines 31-32), a process that would remove the highly water soluble chelator salt, as well as  $\text{Na}_2\text{CO}_3$ . It is also possible that the calcination stage of the process claimed would lead to decomposition of any chelator present. Thus, Wusirika does not disclose or suggest metal oxide particles fully treated according to the invention that comprise chelating agent nor formulated antiperspirant compositions comprising a chelating agent.

Claim 16 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have not amended claim 16 as the prior art rejections have been traversed nullifying any need for amending claim 16.

In view of these amendments, withdrawal of these objections and rejections is respectfully requested.

In light of the above remarks, it is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attachment is captioned "Version with Markings to Show Changes Made".

Respectfully submitted,

  
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claims 2-4, 6, 7, 9, 11-15 and 17-20 have been amended as follows:

2. (Amended) An anti-microbial product according to claim 1, excluding comprising an antiperspirant active and an amount of transition metal chelator sufficient to enhance the deodorancy performance of said antiperspirant active wherein said product excludes antiperspirant gel stick compositions gelled by a gelling agent selected from the group consisting of 12-hydroxystearic acid, esters of 12-hydroxystearic acid, amides of 12-hydroxystearic acid, N-lauroyl-glutamic acid dibutyl amide, and 2-dodecyl-N,N'-dibutyl-succinamide.
3. (Twice Amended) An anti-microbial product according to claim 4\_2, characterised in that the antiperspirant active and the transition metal chelator are both present in the same composition.
4. (Twice Amended) An anti-microbial product according to claim 4\_2, comprising a liquid or soft solid composition.
6. (Twice Amended) An anti-microbial product according to claim 4\_2, comprising an aerosol composition.
7. (Twice Amended) An anti-microbial product according to claim 4\_2, wherein the antiperspirant active is an aluminium, zirconium, or mixed aluminium/zirconium salt.
9. (Twice Amended) An anti-microbial product according to claim 4\_2, wherein the transition metal chelator is an iron (III) chelator.

11. (Twice Amended) An anti-microbial product according to claim-4 2, wherein the transition metal chelator is micromolar-active.
12. (Twice Amended) An anti-microbial product according to claim-4 2, wherein the transition metal chelator has an acid form comprising at least five acid groups.
13. (Twice Amended) An anti-microbial product according to claim 4 2, wherein the transition metal chelator is a polyaminocarboxylic acid or salt thereof.
14. (Amended) An anti-microbial product according to claim 13, wherein the transition metal chelator has the acid form diethylenetriaminepentaacetic acid triethylenetetraaminehexaacetic acid, or ethylenebis {2-(2-hydroxyphenyl) glycine}.
15. (Twice Amended) An anti-microbial product according to claim-4 2, comprising an additional organic anti-microbial agent.
17. (Twice Amended) An anti-microbial product according to claim-4 2, comprising fragrance material at up to 4% by weight of the composition.
18. (Twice Amended) A method of controlling microbial numbers, said method comprising the application to a substrate of a product according to claim-4 2.
19. (Twice Amended) A cosmetic method of reducing perspiration and providing additional control of bacterial numbers on a human body surface, said method comprising the topical application to the human body of any of the products according to claim-4 2.

New claim 23 has been added

Claim 1 has been cancelled.